

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALBERTO DOCOUTO,

Plaintiff,

vs.

DAVID G. NANZ, et al.,

Defendant.

Case No. 2:13-cv-01765-MMD-GWF

ORDER

Informative Motion (#5)

This matter comes before the Court on Plaintiff Alberto Docouto's ("Plaintiff") Informative Motion (#5), filed on September 26, 2013.

Plaintiff previously filed a Complaint on April 26, 2013, alleging violations of 42 U.S.C. § 1983, 28 U.S.C § 1331, and the "Tort Claim Act" in case number 2:13-cv-00711-GMN-VCF. The prior Complaint was dismissed without prejudice during screening for failure to provide the court with sufficient factual material supporting his claims. Plaintiff asserts his detention on immigration status prevented him from filing an amended complaint within the specified time period. Plaintiff, therefore, filed the current Application to Proceed in Forma Pauperis (#3) and Complaint (#3-1) on September 26, 2013, and brings this present motion (#5) requesting the clerk stamp and process the aforementioned Complaint (#3-1) and issue summons to the named defendants.

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to 28 U.S.C. § 1915(e). Because Plaintiff's Application to Proceed in Forma Pauperis (#3) and Complaint (#3-1) have not yet advanced the screening stage, the Court must deny Plaintiff's Motion (#5) at this time. Accordingly,

...

1 **IT IS HEREBY ORDERED** that Plaintiff's Informative Motion (#5) is **denied** without
2 prejudice.

3 DATED this 25th day of March, 2014.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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